

CONTRACT PLANNING ADMINISTRATION & CLAIMS MANAGEMENT

INTRODUCTION

"Every contract imposes a duty of good and fair dealing in the performance of the contract, including an honest and sincere intention to fulfill one's obligations"

These words capture the essence of the broad purpose of contract planning and administration. Therefore, good planning for successful contract execution requires four major elements:

- Proper, Complete, Clear and complementary Set of Tender documents during the tender stage, which in turn will make up the Contract documents (your first life saver!)
- Fair and Firm Administration of the Contract between Parties for Successful Completion of the engineering and construction projects on time and within budget, and with minimal claims and disputes.
- Avoidance and Mitigation of detrimental Claims during the contract period through good-faith negotiations and proper documentation.

OBJECTIVES

In essence, the focus of this dynamic "highly participative" Workshop is:

- To share with the participants the positive and practical steps that can be taken both at the outset (TENDERING STAGE), and during the course of a contract (e.i., CONTRACT MANAGEMENT: PLANNING AND ADMINISTRATION) to prevent and minimize the number of claims. These steps can do much to reduce the potential sources of disputes that can so easily have a damaging effect on the project, the organization and the progress of work. This is your first line of defence!
- To show effective and practical methods and techniques for dealing with any claims that do arise-techniques directed at the early and sensible resolution of claims so they do not result in bitter disputes that are costly in time, effort, and funds. This is your second line of defence!

PRESENTER

Dr. Jamal F. AlBahar, PMP, AVS

Registered Arbitrator Dubai, U.A.E. and Kuwait

Active Member: PMI, CMAA, AACE, AAA, PMA, SAVE, CSI,

President, PROMIS- Project Management Engineering Systems

Dr. Al Bahar, is a regional expert in project management applications and a well recognized consultant in construction contracts and claims analysis. Dr. AlBahar is a frequent regional and international speaker on subjects related to project management, construction contracts, tendering procedures, claims analysis/evaluation, arbitration, and value engineering. Dr. AlBahar has conducted over 500 public and in-house training courses in the last 20 years on subjects related to contracts, claims analysis and pricing, project management, value engineering, budgeting and cost estimating, and effective project administrative procedures. Dr. AlBahar is a registered arbitrator in Kuwait, Bahrain and the U.A.E.

PROGRAM

DAY ONE

PREPARING FOR EFFECTIVE CONTRACT ADMINISTRATION

- Contracting methods available
- Selecting the best contract type
- Contractor supplier pre-qualification

Tender Procedures

- Types of tendering to consider
- Conflicts and ambiguities between Tender Documents
- Tender evaluation methods
- Weighted Evaluation Tender Evaluation

Making The Award

DAY TWO

WHAT IS CONTRACT ADMINISTRATION?

The Contract Agreement

- Claims avoidance clauses
- Rules for interpreting contracts

The Communication Process

- How to reduce or eliminate ambiguity, Guarding against assumptions
- Project documentation - Your Life Saver!

Before Construction starts

DAY THREE

The tools of Contract Administration

- Organizing, Administration and Operations of Contracts.
- Schedule and Progress
- Changes, Variations and Extra Work
- Payment for work
- SUBCONTRACTORS AND SUPPLIERS

DAY FOUR

PROBLEMS AND SOLUTIONS IN CONTRACT ADMINISTRATION

Typical Major Claims and Causes

- Expressed vs. Implied contract terms
- Delays and concurrent delays
- Changes/modifications and extra work
- Adverse physical conditions

Recognizing and Documenting Claims

- Cost, Time and Event Analysis
- Reserving Contractor's Claims Rights

DAY FIVE

CLAIMS DEFENCE, ANALYSIS, AND NEGOTIATION

Claims Defenses

- Early Recognition and Analysis
- Factual Defences, Legal Defences

Analyzing the Claim

- Entitlement, Cause and Effective, & pricing (Evaluation)

Negotiating a Settlement

- Specifying Your Goals and Strategy
- The Good Faith Essential
- Skills of Contract Negotiations Techniques
- Negotiating the Final Price and Agreement

Putting all Issues Together

- Effective response of claims events
- Alternative Dispute Resolution (ADR)